

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JEFFREY W. MOEHLNBRUCK
JOHN P. RANIERI

Serial No.: 10/812,268

Filed: March 29, 2004

For: METHODS AND COMPOSITIONS FOR
TREATING INTERVERTEBRAL DISC
DEGENERATION

Confirmation No.: 2977

Examiner: Marsha M. Tsay

Group Art Unit: 1656

Attorney Docket: 2103.013882/RFE
(SBI-064-US3-DIV)

CUSTOMER NO. 45488

EXAMINER INTERVIEW SUMMARY

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

On April 24, 2008, the undersigned and Examiner Marsha M. Tsay participated in a teleconference regarding the finality of the Office Action issued on March 28, 2008. The undersigned expressed his opinion that the finality was improper because the reference to Matsuzaki had not previously been applied as prior art against the application. Examiner Tsay agreed and indicated she would issue a new non-final Office Action.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 45488

April 25, 2008

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AGENT FOR APPLICANTS